

MINUTES
MALIBU CITY COUNCIL
QUARTERLY MEETING
OCTOBER 30, 2002
CITY HALL
7:00 P.M.

CALL TO ORDER

Mayor Jennings called the meeting to order at 6:05 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Jeffrey Jennings, Mayor Pro Tem Ken Kearsley (arrived at 6:15 p.m.), Councilmembers Sharon Barovsky (arrived at 6:15 p.m.), Joan House and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Julia James, Administrative Services Director; Drew Purvis, Planning Director; Vic Peterson, Building Official; Rick Morgan, City Engineer / Acting Public Works Director; Paul Adams, Parks and Recreation Director; and Lisa Pope, City Clerk

FLAG SALUTE

Planning Director Drew Purvis led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember House moved and Councilmember Stern seconded a motion to approve the agenda with Item 1.D. heard after Item 1.C.3. The motion carried 3-0, Councilmember Barovsky and Mayor Pro Tem Kearsley absent.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was posted on October 24, 2002.

PUBLIC COMMENTS

None.

COUNCIL COMMENTS

Councilmember House stated she attended the California 2002 Ocean Conference at which Malibu was recognized for the new additions to State Beaches in Malibu - Lachuza Beach and Malibu Creek Wetlands.

Mayor Jennings announced the 2003-2004 Executive Fellowship Program open to college graduates to work for one year in State government and politics and encouraged applications.

1. New Business

A. Quarterly Financial Report

Staff recommendation: Receive staff's presentation.

Administrative Services Director James provided an overview of the Quarterly Financial Report.

Councilmember Barovsky and Mayor Pro Tem Kearsley arrived at 6:15 p.m.

Administrative Services Director James provided a schedule of fund balances.

Mayor Jennings requested clarification on the expenditures by fund information. Administrative Services Director James explained that the information indicated appropriations or carryovers budgeted in the previous fiscal year but not spent. City Manager Lichtig stated the information also included new appropriations made by the City Council. Mayor Jennings asked about traffic safety funds. Administrative Services Director James provided an overview of the City's various funding sources for street maintenance.

Councilmember House asked if vehicle in lieu fees were used for street maintenance. Administrative Services Director James indicated the funds were deposited into the General Fund.

B. First Quarter Fiscal Year 2002-2003 Council Goals Status Report

Mayor Pro Tem Kearsley requested discussion of the Vision 2020 Program.

Mayor Jennings asked if Round Up for Kids was still a viable goal. Councilmember House indicated she had worked with former-Councilmember Hasse and there had not been much interest. She stated she and Councilmember Barovsky would be revisiting the matter. Mayor Jennings asked if it should remain a Council goal. Councilmember House indicated she and Councilmember Barovsky would meet with market managers to discuss the program and report back at the Council Quarterly meeting in January 2003.

Mayor Jennings discussed the condition of Pacific Coast Highway and the amount of trash around bus stops. City Engineer / Acting Public Works Director Morgan discussed the National Pollution Discharge Elimination System (NPDES) requirement for all City street bus stops to have trash receptacles. He discussed the use of concrete receptacles which were difficult to empty and costly to maintain. He stated various alternatives were being considered. Mayor Jennings suggested the City adopt a portion of the highway to

clean it up. He suggested adding development of a program to more effectively clean trash off Pacific Coast Highway. City Manager Lichtig stated the goal could be evaluated in terms of options but indicated the main concern was cost.

CONSENSUS

By consensus, the Council added the evaluation of trash clean up on Pacific Coast Highway to the Public Works Department Objectives.

City Manager Lichtig discussed the City's efforts to create a partnership with County Beaches and Harbors to clean up trash.

Councilmember Stern discussed advertising on Beaches and Harbor's trash receptacles.

Mayor Jennings suggested the Trails Committee review the differences between the City's adopted Trails Master Plan and the trails plan included in the Coastal Commission's Trails map in the LCP.

Mayor Jennings asked what remained to be completed on the comprehensive private sewage disposal standards. Building Official Peterson stated it was necessary to implement the programs and point of sale element. He stated he was currently reviewing the benefits of the point of sale element.

Mayor Jennings asked about the Environmental Impact Report (EIR) for the Crummer Trust. City Manager Lichtig indicated she would provide a status report on the EIR.

Councilmember House suggested a new goal to assign the Parks and Recreation Commission to gather information for a proposed bond measure for residential and commercial property for use as potential recreational property.

Councilmember Barovsky indicated support for Councilmember House's suggestion. She stated she had received two calls from members of the community wanting to work on a citizen's bond.

Mayor Jennings questioned whether the Parks and Recreation Commission or a citizens group was the better avenue.

Councilmember Stern indicated support for formation of a committee.

Mayor Pro Tem Kearsley indicated support for Councilmember House's recommendation.

Councilmember House suggested the Council appoint a citizen / Parks and Recreation Commission member committee to provide information on a bond measure.

Councilmember Barovsky agreed that the Parks and Recreation Commission should be expanded to include citizens to appeal to vast majority.

Mayor Pro Tem Kearsley suggested that both the possibility of a bond for land acquisition and certificates of participation (COP) for improvements be reviewed.

CONSENSUS

By consensus, the Council directed staff to bring an item to the Council on November 25, 2002, for a proposed organizational structure and objective for a bond group.

Councilmember House asked when the Templeman report would be coming to the Council. City Manager Lichtig indicated the report would be presented to the Public Safety Commission on November 5, 2002 with their recommendation to the Council on December 9, 2002.

Councilmember House asked if there was an opportunity to re-zone some of the property in the Civic Center.

Councilmember Barovsky asked if re-zoning could be included in the development agreement process. Councilmember House stated she was not referring to a specific property.

City Manager Lichtig discussed the Planning Department workload and long term planning issues. She stated it would be necessary for the Council to determine if rezoning Civic Center properties was a Council priority.

Mayor Jennings suggested reviewing the possibility of rezoning the Civic Center properties during the LCP process.

Planning Director Purvis stated a list of properties that could potentially be rezoned could be provide to the Council at the November 12, 2002 City Council meeting. City Manager Lichtig indicated the Council could discuss rezoning during the LCP discussion on November 12, 2002.

CONSENSUS

By consensus, the Council determined to discuss the Civic Center properties (on the north side of Pacific Coast Highway up to the existing residential properties) on November 12, 2002 with the LCP application.

Councilmember House requested an update on the cable franchise negotiations. City Manager Lichtig stated discussions were ongoing and the County franchise was being analyzed.

Councilmember House expressed concern regarding the Rambla Pacifico Alternative Access project. City Engineer / Acting Public Works Director Morgan provided an

update on the alternative access project. He stated the City would be reviewing the lot line adjustment which requires a coastal development permit. Councilmember House asked about the Winter Canyon cul de sac project and inquired why this project was not listed with the other capital projects in Council Goals. City Manager Lichtig stated only funded capital projects were included on the Council Goals list. She discussed the progress of the cul de sac project.

Mayor Pro Tem Kearsley suggested the possibility of an emergency hardship exemption for the Rambla Pacifico alternative access.

Councilmember House suggested the City work with State Parks to plan the celebration activities for the re-opening of the pier. City Manager Lichtig indicated Hayden Sohm, Acting Superintendent of State Parks, would be attending the November 12, 2002 City Council meeting to provide an update on pier construction and concession.

CONSENSUS

By consensus, the Council determined to direct staff to modify the quarterly reports to include all projects (funded or unfunded) in Council Goals utilizing a different font to distinguish.

Mayor Pro Tem Kearsley discussed the efforts of the 2020 Visioning Committee. He suggested adding a Council Goal and financial assistance for the 2020 Vision. He suggested a Council workshop to receive a presentation on 2020 visioning.

Rich Davis, 2020 Vision Committee, suggested the Council receive a presentation on the plan, then consider financial support for the project.

Mayor Jennings stated it was a major commitment of time and staff or money. He questioned how much the project would cost and how it would be organized.

Councilmember House expressed concern about timing with the other projects before the City. She stated visioning was important but did not see where it would fit in. Mr. Davis stated they expected minimal Council or staff time.

Mayor Pro Tem Kearsley discussed the pro bono expertise that would be provided.

CONSENSUS

By consensus, the Council directed staff to explore a long term visioning process.

C. First Quarter Fiscal Year 2002-2003 Work Program Status Reports

1. Administrative Services Director

Administrative Services Director James provided highlights of the Administrative Services Department work programs.

Mayor Jennings discussed the possibility of using Malibu High School Auditorium for Council meetings.

Mayor Pro Tem Kearsley suggested using Malibu Vineyard Church for meetings. City Manager Lichtig indicated they were open to accommodate the City on a periodic basis.

Administrative Services Director James explained that CDBG block grant funds needed to be allocated by January 3, 2003. She stated the Public Service funding portion was being reduced from 25% to 15%.

Mayor Jennings asked if the General Fund Grant Program would be done concurrently with CDBG grants. Administrative Services Director James stated the General Fund Grant Program would be done with the budget.

City Manager Lichtig asked whether there was Council concurrence to have staff write a letter to CDC and HUD expressing concern about the drop in funding and hardships to programs. Administrative Services Director James explained that the normal funding was 15% which was increased on a one-time basis over the passed 3 years.

CONSENSUS

By consensus, the Council directed staff to send a letter to CDC and HUD expressing the City's concern and discontent with reduced funding.

CONSENSUS

By consensus, the Council reordered the agenda to hear Item 1.C.5. at this point in the meeting.

5. Planning Director

Planning Director Purvis provided an overview of the Planning Department work program.

Dominic Surprenent addressed the Council in support of a view restoration ordinance. He presented a photograph depicting view impairment from landscaping. He indicated his homeowner's association adopted the Rancho Palos Verdes View Protection Ordinance in the CC&Rs. He stated piecemeal was not the way to go. He urged the Council to restore the views afforded 30-40 years ago.

Mayor Jennings asked how long ago Mr. Surprenent purchased his home. Mr. Surprenent indicated he bought his home 2 ½ years ago. He explained that members of his homeowner's association wanted to restore the views they had.

Hilburn Covington explained their interest was to restore the views to the way they were prior to cityhood.

Conrad Kohrs discussed view blockage on Skyline View Drive caused by mature landscaping. He urged the Council to pass an ordinance to have the Court declare an injunction. He stated residents would be unable to state a cause of public nuisance unless there was a City ordinance to back up the statement.

Mayor Jennings asked if Malibu Country Estates had CC&Rs covering view protection issues. Mr. Kohrs indicated there was nothing in their CC&Rs.

Hiro Kotchounian, President of Malibu Country Estates HOA, stated the general membership of the homeowners association unanimously approved a view protection ordinance.

Mayor Jennings asked if the CC&Rs could be amended. Mr. Kotchounian indicated a CC&R amendment would require 100% approval.

Councilmember Barovsky indicated the cost of trimming trees in the Rancho Palos Verdes ordinance was born by the person requesting tree trimming. She asked if there was any objection. Mr. Kohrs stated he was willing to pay for tree trimming. Mr. Covington stated he had asked his homeowner's association members and they all said they would be willing to pay for tree trimming. Councilmember Barovsky discussed the potential litigation associated with the City adopting a tree preservation ordinance. Planning Director Purvis discussed the fiscal impact and staffing analysis provided by the City's Code Enforcement Officer. Councilmember Barovsky indicated support for a view protection ordinance but had concern with enforcement.

Building Official Peterson reminded the community and Council of the current atmosphere towards proactive code enforcement in the City. He stated a view protection ordinance would cause a tremendous impact on Code Enforcement.

Councilmember Stern suggested the possibility of a landscape overlay district.

Councilmember Barovsky asked about Palos Verdes' experience on the enforcement end. Mr. Covington indicated Palos Verdes had a view coordinator position, paid for by the permit fees.

Mayor Pro Tem Kearsley questioned who would pay for litigation related to the ordinance. Mr. Surprenent explained that the Rancho Palos Verdes ordinance was already litigated and upheld. He explained the enforcement mechanism. He suggested the City adopt the ordinance and leave it to local associations to pay for and enforce the ordinance.

Mayor Jennings asked if his homeowner's association had provisions for amending CC&Rs to include view protection. Mr. Surprenent stated the association had amended the CC&Rs to include view protection.

Mayor Jennings questioned whether view protection was something a majority of the community wanted.

Councilmember House suggested a survey be placed in the City's quarterly newsletter to solicit resident's opinions on a view protection ordinance.

Councilmember Barovsky asked when the Rancho Palos Verdes ordinance was written. Mr. Kohrs indicated it was adopted in 1998.

Mayor Jennings suggested City staff call Rancho Palos Verdes staff to find out how enforcement was going in Rancho Palos Verdes.

Mayor Pro Tem Kearsley indicated support for a view protection ordinance.

City Manager Lichtig suggested removing the landscape and open space amendment and hillside ordinance from the Planning Department work program if it was the Council's will to add development of a view protection ordinance.

Councilmember House asked if the Planning Department was sufficiently staffed to do the work that needs to be done. Planning Director Purvis stated the workload could be handled with full staff plus two consultants. City Manager Lichtig stated she wanted to conduct a peer review of the Planning Department workload. She stated she has real concerns about requesting an additional position in the department. She discussed the deadlines in the permit streamlining act.

Councilmember House asked if the City Treasurer could conduct a performance audit. City Manager Lichtig stated she wanted a former city manager / planning director to review the workload but that the City Treasurer could be involved in the review.

Councilmember House requested additional information on the Planning Department meeting its goals and objectives. City Manager Lichtig stated she was not requesting three additional positions.

Councilmember Barovsky asked why a tree trimming ordinance would fall under the Planning Department. City Manager Lichtig stated an ordinance would go before the Planning Commission for a zone text amendment.

Mayor Jennings stated if the staff was directed to proceed with a view protection ordinance, it would be a low priority for him.

MOTION

Councilmember Barovsky moved and Councilmember Stern seconded a motion to refer the matter of a view protection ordinance to the Interim Zoning Ordinance Revisions and Code Enforcement Subcommittee.

AMENDMENT

Councilmember House moved to place a view protection ordinance on the list of Council Priorities. The maker and seconder of the motion accepted the amendment.

The amended motion carried unanimously.

Councilmember Stern asked the tenor of the discussion at the public counter regarding the LCP status. Planning Director Purvis stated counter contacts were approximately 30 per day and most people were upset about processing of Coastal Development permits.

2. Building Safety Director

Building Official Peterson presented the First Quarter Fiscal Year 2002-2003 Work Program Status Report.

Councilmember House asked if one size fits all regarding wastewater treatment. Building Official Peterson explained that the State is under the impression that they own all groundwater; therefore it is easier to have one set of uniform standards. He stated the final draft of AB885 would be completed shortly and presented to the Council.

Councilmember House expressed concern about code enforcement violations. Building Official Peterson stated there had been a recent spat of code enforcement complaints, including view situations, noise, and construction.

Councilmember Barovsky asked whether all new commercial development was required to install tertiary treatment systems. Building Official Peterson explained that all new commercial and multifamily developments must have a minimum system of tertiary level and all replacements must have a minimum of tertiary treated septage.

Mayor Jennings expressed concern about consistent plan checking and one checker through entire project. Building Official Peterson discussed plan check services provided by Willdan & Associates and their policy to keep the same plan check engineer through the entire project.

3. Engineering Services / Public Works Director

City Engineer / Acting Public Works Director Morgan presented the staff report. He discussed the new pavement management system.

Councilmember House asked about the water quality issue in Sweetwater Canyon Creek. City Engineer / Acting Public Works Director Morgan discussed water quality sampling in the creek. City Manager Lichtig stated it was an added work load for staff.

D. First Quarter Fiscal Year 2002-2003 Capital Improvement Projects Status Report

City Engineer / Acting Public Works Director Morgan discussed highlights in the 1st quarter fiscal year 2002-2003 Capital Improvement Projects status report.

Mayor Pro Tem Kearsley suggested monthly updates on CIP projects. City Manager Lichtig suggested quarterly updates be provided unless changes occur.

Mayor Jennings suggested posting monthly updates on the City's website.

4. Parks and Recreation Director

Parks and Recreation Director Adams reviewed the Parks and Recreation Work Program Status Report.

Councilmember Barovsky stated the senior needs survey needed to be more widely distributed.

Mayor Pro Tem Kearsley asked about events at Bluffs Park. Parks and Recreation Director Adams stated he had not received definitive information. City Manager Lichtig stated she would come back with options related to resolving issues of Bluffs Park.

Mayor Jennings suggested contacting State Parks regarding the use of Bluffs Park.

CONSENSUS

By consensus, the Council directed the City Manager to contact Ruth Coleman, Acting Director, at State Parks regarding Bluffs Park.

Councilmember House discussed the varied activities in the recreation program and thanked the department. She asked if the Blue Ribbon Committee had assisted with the senior needs survey. Parks and Recreation Director Adams explained that the committee had reviewed the survey and would discuss the results further.

Mayor Jennings asked about irrigation moisture sensors at Bluffs Park. Parks and Recreation Director Adams explained the rain sensor to shut off the irrigation system when there is measurable moisture and the system to control based on historic evaporation rate.

6. City Clerk

City Clerk Pope presented an overview of the First Quarter Fiscal Year 2002-2003 Work Program Status.

Councilmember House asked if staff would provide a tour of City Hall. City Manager Lichtig stated the intent was to hold an open house once the Council Chambers and Senior Center are complete. She encouraged interested parties to contact the City

Manager's office to tour City Hall. She announced the Holiday Open House on December 13, 2002, 4-6 p.m.

Councilmember House asked about funding for document imaging. City Clerk Pope explained that no funds were currently budgeted. She discussed copier software that would allow documents to be scanned into an electronic form.

Mayor Jennings stated document imaging would be implemented with on-line permitting.

Councilmember Barovsky asked about the funding for records management. City Clerk Pope indicated an Request for Proposals would be distributed in November.

Mayor Jennings stated an improved filing system was critical.

7. City Attorney

The City Attorney was not present.

8. City Manager

City Manager Lichtig reviewed the First Quarter Fiscal Year 2002-2003 Work Program Status Report for the City Manager's Department.

Councilmember House asked about CERT training. City Manager Lichtig stated approximately 40 -50 people had been trained. Councilmember House congratulated staff on completing the move.

Mayor Pro Tem Kearsley asked if the generator had been installed. City Manager Lichtig indicated it was purchased yesterday and would be installed shortly.

ADJOURN At 9:38 p.m., Councilmember Barovsky moved and Mayor Pro Tem Kearsley seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on November 25, 2002.

JEFFREY D. JENNINGS, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)